

**Little Traverse Bay Bands of Odawa Indians
Tribal Court**

Court Mailing Address:
7500 Odawa Circle, Harbor Springs, Michigan 49740
Telephone: 231-242-1462 – Fax 231-242-1470



Joyce C. Munson,

Petitioner,

vs.

LouAnn "Angel" Bernard,

Respondent.

Case No.: C-223-0716

Order Dismissing Civil Complaint

On July 20, 2016 Joyce Munson ("Plaintiff") filed a civil complaint with the Tribal Court. Her Complaint lists a number of concerns involving an ongoing dispute she has with LouAnn "Angel" Bernard ("Defendant"). Most of the issues in her Complaint are related to concerns already addressed by the Court in PPO-049-0716. Because the Complaint's pleadings fail to meet the requirements of Rule VIII of LTBB's Tribal Court's Rules of Civil Procedure and because the complaint fails to state a claim upon which relief may be granted the Court hereby **DISMISSES THE COMPLAINT.**

ANALYSIS

The Plaintiff's Complaint must be dismissed because her Complaint is insufficient under LTBB Tribal Court rules. Waganakising Odawak Tribal Court Rule of Civil Procedure VIII requires that a complaint do all of the following:

1. Tell a Defendant what law or rule gives the Court the right to hear the complaint;
2. Inform the Court and the Defendant what exactly the complaint is about;
3. Explain what law or rule gives the Plaintiff to right to relief from the Court; and
4. Clarify exactly what the Plaintiff wants the Court to do to provide that relief.

See Waganakising Odawak Tribal Court Rule of Civil Procedure VIII, Section 2(a).

Unfortunately, the Plaintiff's Complaint fails in meeting all required elements of a complaint under Tribal Court Rules of Civil Procedure. Her Complaint fails to explain what law or rule gives the Court the right to hear the complaint, so the Court cannot determine whether it has jurisdiction to hear the case. The Complaint discusses grievances she has against the Plaintiff, but does so in a confusing manner that does not provide the Court with any guidance that would allow the Court to guess the nature of the Plaintiff's complaint. Is this a tort action? Is this a defamation case? ~~Is this an employment matter? Is this an attempt to apply for a personal protection order?~~ The Complaint is so unclear that it leaves the Court unsure. In addition, the Plaintiff fails to cite to any law or rule that helps the Court understand how the Court can help her or intervene. Finally, the Complaint does not even clearly explain to the Court what the Plaintiff wants the Court to do for her. Specifically, in the section of the Complaint where the Court form directs the Plaintiff to answer the following question, "I am requesting the following from the Court:" the Plaintiff wrote, "For her to leave me alone. I heard other[s] talking and heard that the Bernards want to get me out of housing." This statement does very little to help the Court understand what the Plaintiff wants as a matter of law. Courts cannot be in the habit of "guessing" what relief plaintiffs are requesting. Therefore, because the Complaint's pleadings fail to meet the requirements of a complaint under Rule VIII of LTBB's Tribal Court's Rules of Civil Procedure and because the complaint fails to state a claim upon which relief may be granted the Court hereby **DISMISSES THE COMPLAINT.**

August 16, 2016
Date

Hon. Allie Greenleaf Maldonado
LTBB Chief Judge